

## **CHAPTER 3**

### **STANDARDS AND INSPECTIONS**

California jail standards originated in 1945, at the request of the California State Sheriffs' Association, to help ensure safe and effective operations and protect state, county, city and public interests. That same year, in response to the growing number of delinquent youth placed in local camps, the Legislature made the California Youth Authority (CYA) responsible for prescribing minimum camp standards. In 1955, the Legislature authorized the CYA to establish standards for the operation and maintenance of juvenile halls. The 1995/96 Budget Act transferred responsibility for the minimum standards and inspections of all local juvenile facilities from the CYA to the BOC.

California's minimum jail and juvenile facility standards cover operational areas such as food, bedding and clothing, and key aspects of confining inmates, including classification and housing; discipline; education and training; inmate programs and activities; fire safety; physical plant; suicide prevention; sanitation; and health care. As required by law, the BOC biennially inspects local adult and juvenile facilities to assess compliance with minimum standards. Inspection results carry substantial independent credibility and have been used by courts, and all parties to litigation, to illustrate the management and operation of facilities in accordance with professional standards.

#### **Standards Revisions**

he **T**law requires the BOC to review – and, if necessary, to revise – minimum standards for jail construction and operations every two years. While not mandated by statute, the BOC also conducts a biennial review of minimum standards for juvenile facilities.

The BOC's standards revision process involves extensive collaboration among state and local subject matter experts who make recommendations for needed changes to the regulations. These recommendations reflect the best professional practices, incorporate new legal requirements from statute and case law, and reduce or eliminate outdated standards.

The BOC has completed the second biennial review of the minimum standards for juvenile facilities, initiated in June 1998. This process involved an executive steering committee, six task forces and the participation of more than 100 juvenile facility administrators, managers, practitioners, and subject matter experts. While the work groups identified some areas needing clarification and revision, the regulations produced via the initial 1995/96 review process overwhelmingly sustained scrutiny. The BOC anticipates that revised Title 15 and Title 24 regulations will take effect in early 2001.

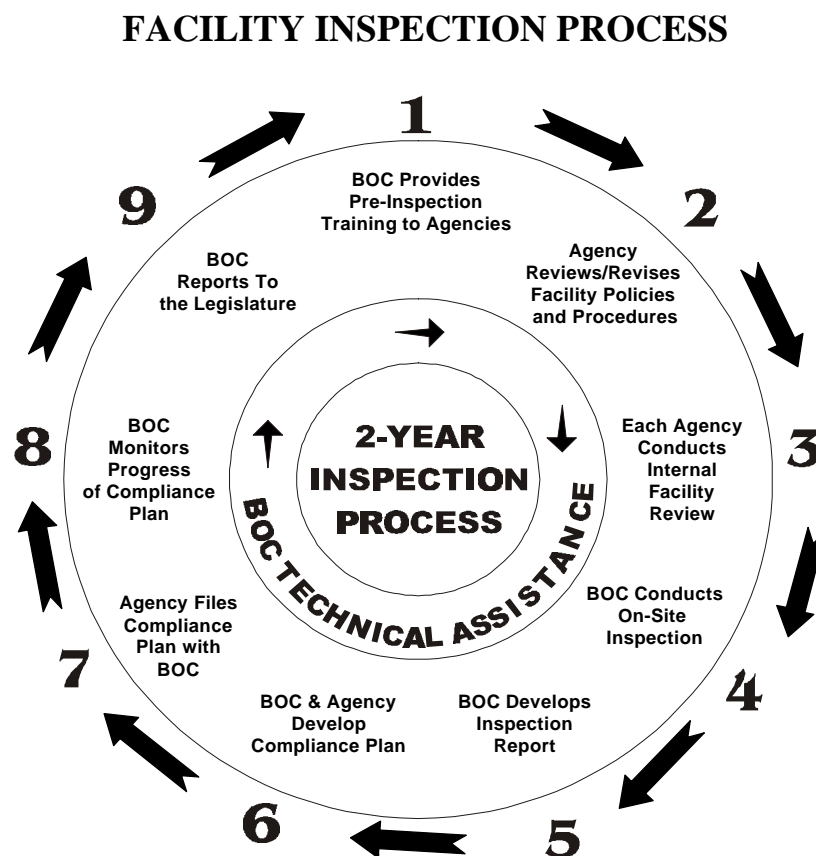
The BOC's 1999/2000 Adult Title 15/24 Regulation Revision Process of the minimum jail standards involved an executive steering committee and the following Work Groups: Management, Classification/Segregation, Medical/Mental Health, Nutrition/Environmental Health, and Physical Plant. Each Work Group examined each standard's fiscal impact, cost effectiveness, and response to contemporary needs. Public hearings on the proposed revisions to Title 15 and 24 were held in September 2000.

#### **Inspection Process**

The BOC's biennial inspection process for California's adult and juvenile detention facilities provides critical information to state and local policymakers and corrections administrators on the condition of local detention facilities.

Developed in collaboration with local detention facility managers, this process is an ongoing "systems approach" that begins with pre-inspection training to agencies. This training provides the materials and information necessary for agencies to complete an internal facility review, which is followed by an on-site inspection by BOC staff. Following completion of the inspection report, BOC staff works with the agency in developing a plan of action for addressing any non-compliance issues and provides technical assistance to the agency in its efforts to meet state standards. The BOC biennially reports the results of this process to the Legislature. Figure Four illustrates the BOC's facility inspection process.

**Figure Four**



## **Results of Inspections – Adult Jails**

**T**he BOC is responsible for inspecting all adult jails (except court and temporary holding facilities built before 1978). In general, results from the past several inspection cycles have shown that jail operations have become increasingly professional and sophisticated, with better managed facilities, better trained staff, more responsive procedures, and improved physical designs. This has increased the rate of compliance, and led to safer, more effective operations. The vast majority of local administrators have demonstrated their intention to operate professional, state-of-the-art jails, despite struggling with severe crowding and fiscal limitations.

The inspection process is dynamic, and the critical issues facing jail administrators change over time. As such, different aspects of jail standards require more focus during various inspection cycles. Results of the 1998/00-inspection cycle are found in Appendix E, which lists adult detention facilities found in full compliance with state standards, and Appendix F, which reports non-compliance by facility name and standard. In reviewing the list of standards most often found in non-compliance, it is important to note that facilities frequently are in non-compliance with only part of the standard, not the entire regulation.

## **Most Common Areas of Deficiencies**

**W**hile the majority of local adult detention facilities operate in general compliance with minimum state standards, staffing and crowding have been problems in jail operations for over a decade and continued in the most recent inspection cycle, which found nearly 22 percent of facilities out of compliance with minimum staffing levels that help ensure safe and secure confinement (up from 14 percent two years ago). The most frequently noted deficiencies during this inspection cycle were in the following areas:

- Number of Personnel (inadequate staffing levels);
- Use of Detoxification Cell (physical plant limitations);
- Failure to have current fire inspection reports on file;
- Inadequate or non-existent policies on identification and management of intoxicated or substance abusing minors;
- Policy and Procedures Manual (missing sections or not updated annually);
- Use of Restraint Devices (inadequate written policies governing use);
- Facility Sanitation, Safety, and Maintenance;
- Court Holding and Temporary Holding Facility Training (failure to meet training standards);
- Death of a Minor While Detained (inadequate policies and procedures); and
- Failure to have current Medical/Mental Health, Nutrition and Health inspection reports on file.

## **Type I Facilities, Temporary Holding, and Court Holding Facilities**

Type I (city jails and sheriff's substations), temporary holding and court holding facilities generally confine inmates for brief periods of time (96 hours or less). Noteworthy compliance has been attained in these facilities during this inspection cycle. Less than 18 percent of temporary holding facilities were found out of compliance with training requirements, down from 36 percent during the last inspection cycle. In addition, just over 13 percent of temporary holding and court holding facilities had incomplete or outdated policies and procedures, down from 31 percent during the last inspection cycle. Current and complete policies, procedures and practices lead to safe, efficient facility operations and minimize risk to liability.

Almost 31 percent of Type I facilities and 10 percent of temporary holding facilities and court holding facilities were out of compliance with the standard requiring specific policies and procedures to identify and manage intoxicated or substance abusing minors in custody.

Thirty-nine percent of Type I facilities continue to be out of compliance in the use of detoxification cells. Several facilities remain out of compliance because they do not provide a detoxification cell environment for both male and female inebriates. Many jails were constructed with only one detoxification cell during an era when relatively few women were incarcerated. More women are now being arrested, and many facilities are inadequate to safely house male and female inebriates simultaneously.

## **Type II & Type III Facilities**

Type II and Type III facilities, typically operated by counties, tend to be larger than city facilities and house inmates for longer duration, often several months for sentenced inmates and second or third strike inmates awaiting disposition of their charges.

High employee turnover and recruitment difficulties contributed to nearly 34 percent of these facilities being out of compliance with standards related to staffing and visual supervision of inmates, an increase of 12 percent over the previous inspection cycle.

Crowding in these facilities contributed to more than 21 percent being out of compliance with physical plant issues such as the required dayroom space per inmate, the required dormitory space per inmate and dormitory capacities.

Over 15 percent of the Type II facilities did not have a current fire inspection report on file at the time of the BOC inspection. In the past, a frequent deficiency was the lack of written policies and procedures. Fortunately, this situation has improved, with only 4 percent of the Type II facilities found in non-compliance with this standard.

Another common deficiency relates to sanitation and maintenance issues. Just over 13 percent of Type II facilities (down from 21 percent during the last inspection cycle) were out of compliance with standards designed to maintain jails in a safe, healthful manner. In the past, inmate workers were often used to clean the facilities. With the housing of more serious and higher security risk inmates, the population that can be safely allowed to work in facilities has been reduced.

## **Results of Inspections – Juvenile Halls and Camps**

**T**he BOC has completed the second full inspection cycle for juvenile halls and camps. Prior to the BOC's assumption of the juvenile detention inspections, many of these facilities had not been inspected by a state agency since the California Youth Authority ceased inspections. Thus, there were a number of non-compliance issues related to policies and procedures found during the first inspection cycle. As anticipated, BOC inspections found a much higher rate of compliance during this second inspection cycle.

Specific results of the 1998/00 inspection cycle are found in Appendix G, which lists juvenile detention facilities found in full compliance with standards, and Appendix H, which outlines non-compliance by juvenile facility and standard. Like jails, juvenile facilities quite often are in non-compliance with only part of the standard, not the entire regulation.

## **Most Common Areas of Deficiencies**

**T**he majority of local juvenile facilities operate in general compliance with minimum state standards. Over 31 percent of the juvenile halls had insufficient space in one or more of the following areas: sleeping rooms, dormitories, dayrooms, and/or classrooms. The most frequently noted deficiencies in juvenile facility operations statewide related to:

- Juvenile Hall Space Requirements (physical plant deficiencies);
- Policy and Procedures Manual (missing sections or not updated annually);
- Fire Safety Plan (inadequate policies and procedures);
- Use of Physical Restraints (inadequate policies and procedures);
- Juvenile Facility Capacity (inadequate policies and procedures);
- Release Procedures (inadequate policies and procedures);
- Orientation (inadequate policies and procedures);
- Searches (inadequate policies and procedures);
- Counseling and Casework (inadequate policies and procedures); and
- Fire and Life Safety (inadequate policies and procedures).

## **Juvenile Halls**

**A** juvenile hall is a county facility designed for the reception and temporary care of detained minors who may not have completed the judicial process (pre-disposition) or for juveniles serving a court ordered period of detention in the juvenile hall. In 1999, the average length of stay statewide for all minors in juvenile halls was 22.5 days.

As previously noted, a common deficiency for juvenile halls in 1998/00 was insufficient space (over 31 percent were out of compliance with physical plant standards). The most frequent deficiency cited was failure of the juvenile halls to have a sufficient policy and procedures manual. Over 36 percent of the juvenile halls had incomplete or outdated policies and procedures. Specific areas most frequently cited as deficient in the policies and procedures manuals include: the fire safety plan (29 percent); use of physical restraints (29 percent); adequate staffing policies (21 percent); reporting crowding to the BOC (19 percent); policies on religious programming (17 percent); and adequate release procedures (17 percent).

## **Camps**

A juvenile camp (or ranch, forestry camp or boot camp) is a county facility designed as a commitment program for post-disposition wards defined in Section 602 of the Welfare and Institutions Code. The camps must be established in accordance with Section 888 of that same code. In 1999, the average length of stay for minors committed to juvenile camps was 83.4 days.

Similar to the juvenile halls, a frequent deficiency cited during the camp inspections was failure to have a sufficient policy and procedures manual. Almost 42 percent of the camps had incomplete or outdated policies and procedures. Specific areas most frequently cited as deficient in the policies and procedures manuals include: the fire safety plan (45 percent); use of physical restraints (39 percent); discipline process (34 percent); orientation (34 percent); fire and life safety staffing (34 percent); reporting crowding to the BOC (32 percent); adequate release procedures (32 percent); and appropriate search policies (32 percent).

## **Estimated Costs of Compliance for Adult and Juvenile Detention Facilities**

Counties and cities potentially incur three types of costs to fully comply with state standards and meet bed space demands: operational costs (staffing, supervision, services, programs, policies, routine maintenance, etc.); physical plant upgrade costs (meeting current space standards and construction codes, repairing and remedying dilapidation); and new construction costs (adding bed space to existing facilities or building additional facilities to meet bed space demands).

- **Operational Costs:** The amount of local dollars necessary to remedy non-compliance with operational standards is unknown. The greatest additional cost would likely be for hiring and retaining additional personnel to remedy staffing deficiencies. Counties and cities might also incur expenses for ongoing facility maintenance, staff training and development, and procedural upgrades.
- **Physical Plant Upgrade Costs:** Under the best circumstances, the life expectancy of a detention facility is approximately 30 years. These facilities deteriorate more rapidly under crowded conditions. Through excessive use, crowded conditions place severe stress and strain on facilities' infrastructure. The increased usage creates burdens that the physical plant and fixtures were not designed to accommodate and thus, are subject to rapid decomposition.

A total of 8,003 detention beds at 65 of the juvenile detention facilities are over 30 years old and have not been funded for replacement. With the state-allowed construction cost of \$100,500 per juvenile detention bed, over \$804 million is needed to replace those beds.

- **New Construction Costs:** A determination of how many new beds are needed to satisfy the current demand for detention beds can be derived by looking at the 1999 detention population at its peak and comparing that to the present amount of beds meeting minimum standards. Each month, each county reports to the BOC the highest one-day population count. To adequately manage detention populations, detention systems must have the capability to adequately house a peak population. Based on the highest one-day count indicated in the data collected from local detention facilities via the Jail Profile Survey and the Juvenile Detention Profile Survey, the BOC can estimate how many new beds were needed to meet the 1999 demands for detention beds. This estimate does not include the cost for "replacement beds" (please refer to Chapter 4, Detention Facility Construction).

Based on the highest one-day count for juvenile halls compared to the number of beds meeting the minimum standards, approximately 827 new juvenile hall beds were needed to meet the demands for

detention beds in 1999. Given the current state-allowed construction cost per new bed, it would cost almost \$83 million to meet the 1999 demand for more beds. The increased number of new beds does not take into account the numbers of minors released to alternative detention settings (i.e. electronic monitoring, home supervision, etc.) due to lack of space.

Based on the highest one-day count for jails, compared to the number of beds meeting the minimum standards, approximately 8,951 new adult jail beds were needed to meet demands for detention beds in 1999. Given the average state construction cost per new bed of \$52,500, it would cost almost \$470 million to meet the 1999 demand for more beds. These figures do not take into account the numbers of inmates released early due to lack of space.